REMARKS

Upon entry of the present amendment, claims 12-14 will have been amended to clarify the features of the claimed invention. In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Applicants note that the Examiner has indicated receipt of the drawings that were filed October 15, 1999, but has not indicated that these drawings were accepted or not accepted. Applicants wish to further note that three sheets of new drawings were also filed on September 16, 2003. An indication of the status of the drawings is respectfully requested.

Applicants further note with appreciation the Examiner's consideration of the documents cited in the Supplemental Information Disclosure Statement filed in the present application by the return of the initialed and signed copy of the PTO-1449 Form accompanying the Information Disclosure Statement filed herein. It is assumed that the crossing out of the WIPO document is related to a copy of that document having previously been submitted to the Examiner, but that the Examiner again considered the relevance of the document in view of its citation in the Supplemental Partial European Search Report.

In the outstanding Official Action, the Examiner rejected claims 12-14 under 35 U.S.C. § 102(b) as being anticipated by TAKAI et al. (U.S. Patent No. 5,771,451). Applicants respectfully traverse the rejection.

One of the features of the present invention recited in the combinations of amended claims 12 and 14 is determining a distance from at least two base stations to the mobile station. A first base station and a second base station each respectively determine a distance from the first base station to a mobile station and the second base station to the mobile station based on a time difference between a transmission timing of a downlink signal and a reception timing of an uplink signal. Once the distance is determined, the base stations will control power level of signals transmitted to the mobile station in accordance with the determined distance. This feature is described in the specification on page 23 et seq. and shown in figure 10. In this regard, the distance between the base station and the mobile station can be more accurately determined and the distance can then be used to control power levels. This enables a more accurate downlink transmission power control. As a result, the various base stations in the network transmit signals at lower transmission power levels, and which in turn allows the total volume of transmission power in the radio communication network to decrease and the system capacity can be increased.

Applicants respectfully submit that, in contrast to the above-noted features of the present invention, TAKAI et al. discloses a Code Division Multiple Access (CDMA)

communication system in which, when a mobile station is engaged in a handover, different transmission power bits are transmitted from the mobile station to a plurality of base stations. These power bits are used to control the transmission power of these base stations independently from one another. TAKAI et al. only discloses one base station (base station A) and another base station (base station B) that control transmission power on the traffic channels of the base stations based on received signal power of the pilot channel of base station A at a mobile station (Apr), transmission power of the pilot channel of base station A (Apt), transmission power of the traffic channel of base station A (ATt), received signal power of the pilot channel of base station B at the mobile station (Bpr), and transmission power of the pilot channel of base station B (Bpt). See, for example, figure 9. In other words, according to TAKAI et al., the received signal power and transmission power serves as basis for transmission power control for traffic channels of base stations.

In contrast, according to the present invention, it is distance, determined based on the time difference between the transmission timing of the downlink signal and the reception timing of the uplink signal, from a base station to a mobile station that serves as basis for transmission power control for base stations. The TAKAI et al. reference neither discloses nor suggests that, as in the present invention, a first base station and a second base station control power levels of signals transmitted to a mobile station in accordance with distance, based on the time difference from the first base station and the second base station to the

mobile station. Moreover, TAKAI et al. neither discloses nor suggests that, while a handover from the first base station to the second base station is in progress, the first base station gradually reduces power levels of signals transmitted to the mobile station as the mobile station moves further from the first base station, while the second base station gradually increases power levels of signals transmitted to the mobile station as the mobile station moves closer to the second base station. See, figure 10.

Thus, in contrast to the present invention, TAKAI et al. fails to disclose or suggest that the first base station and the second base station determine the distance from the first base station and the second base station to the mobile station based on the time difference between the transmission timing of the downlink signal and the reception timing of the uplink signal. Moreover, there is no suggestion or disclosure in TAKAI et al. or any of the prior art of record, separately or in any proper combination, that render obvious the features of the present claimed invention.

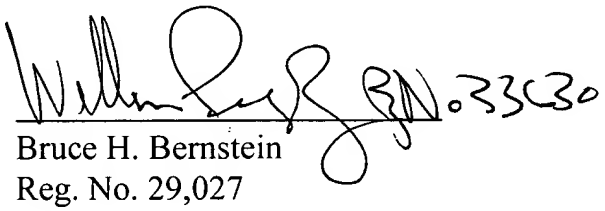
Additionally, minor amendments have been made to claims 12-14 in order to make these claims more consistent. In these amendments, Applicants have made several additional changes to the language of the claims to render the same more self consistent, as well as to be more fully in compliance with U.S. syntax, idiom and grammar. These amendments do not change the scope of the claims but are merely cosmetic changes that give rise to no file wrapper estoppel.

In view of the fact that none of the art of record, whether considered alone or in any proper combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
M. UESUGI et al.



Bruce H. Bernstein
Reg. No. 29,027

January 26, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191